

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 201807958	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/21/2018 7:23 AM	Location of Incident: [REDACTED]	Precinct: 25	18 Mo. SOL 3/21/2020	EO SOL 11/5/2020	
Date/Time CV Reported Wed, 09/26/2018 9:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/26/2018 9:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			WARRSEC
2. DT3 Daniel Silverio	5916	943816	WARRSEC
3. DT3 John Ambrosino	807	949998	WARRSEC
4. DT3 Christophe Heredia	01339	938656	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio threatened to damage § 87(2)(b) s property.	[REDACTED]
B.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio threatened to arrest § 87(2)(b) s.	[REDACTED]
C. An officer	Abuse: An officer damaged § 87(2)(b) s property.	[REDACTED]
D.DT3 Daniel Silverio	Discourtesy: Detective Daniel Silverio spoke discourteously to § 87(2)(b) s.	[REDACTED]
E.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio entered § 87(2)(b) in Manhattan.	[REDACTED]
F.DT3 Christophe Heredia	Abuse: Detective Christopher Heredia entered § 87(2)(b) in Manhattan.	[REDACTED]
G.DT3 John Ambrosino	Abuse: Detective John Ambrosino entered § 87(2)(b) in Manhattan.	[REDACTED]
H.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio searched § 87(2)(b) in Manhattan.	[REDACTED]
I.DT3 Christophe Heredia	Abuse: Detective Christopher Heredia searched § 87(2)(b) in Manhattan.	[REDACTED]
J.DT3 John Ambrosino	Abuse: Detective John Ambrosino searched § 87(2)(b) in Manhattan.	[REDACTED]
K.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio questioned § 87(2)(b) s.	[REDACTED]
L.DT3 Daniel Silverio	Discourtesy: Detective Daniel Silverio spoke discourteously to § 87(2)(b) s.	[REDACTED]

Case Summary

On September 26, 2018, § 87(2)(b) filed this complaint with the CCRB via phone, both for herself and behalf of her § 87(2)(b)-old son, § 87(2)(b).

On September 21, 2018, at approximately 7:23 a.m., § 87(2)(b) was inside of his residence at § 87(2)(b) in Manhattan when Det. Daniel Silverio of the Warrant Section knocked on his door. With Det. Silverio were Det. John Ambrosino and Det. Christopher Heredia of the Warrant Section, specifically of the JAWS parole warrant apprehension team, tasked with apprehending individuals who have violated parole. On September 21, 2018, they were looking for parolee § 87(2)(b). Det. Silverio allegedly stated that he would break the door, and that he would arrest whoever was inside (**Allegation A: Abuse of Authority- Threat of Property Damage-** § 87(2)(g); **Allegation B: Abuse of Authority- Threat of Arrest-** § 87(2)(g)). An officer also allegedly tried opening the door mechanically, and allegedly broke the door (**Allegation C: Abuse of Authority- Property Damage-** § 87(2)(g)). § 87(2)(b) called § 87(2)(b) who told him not to let anyone into the apartment. § 87(2)(b) then called her friend § 87(2)(b) who arrived at the apartment. § 87(2)(b) convinced § 87(2)(b) to open the door. After he did so, Det. Silverio, allegedly asked why he did not open the “goddamn” door (**Allegation D: Discourtesy- Word-** § 87(2)(g)). Det. Silverio, Det. Ambrosino, and Det. Heredia entered the apartment (**Allegation E: Abuse of Authority- Entry of Premises-** § 87(2)(g); **Allegation F: Abuse of Authority- Entry of Premises-** § 87(2)(g); **Allegation G: Abuse of Authority- Entry of Premises-** § 87(2)(g)).

While in the apartment, Det. Silverio, Det. Heredia, and Det. Ambrosino searched the rooms of the apartment (**Allegation H: Abuse of Authority- Search of Premises-** § 87(2)(g); **Allegation I: Abuse of Authority- Search of Premises-** § 87(2)(g); **Allegation J: Abuse of Authority- Search of Premises-** § 87(2)(g)). While Det. Silverio was searching inside of the apartment, he allegedly asked § 87(2)(b) if he was stealing from the apartment, and when § 87(2)(b) stated that he was not stealing from the apartment, Det. Silverio allegedly stated, “I’m just fucking with you.” (**Allegation K: Abuse of Authority- Question-** § 87(2)(g); **Allegation L: Discourtesy- Word-** § 87(2)(g)).

No injuries, summonses, or arrests resulted from this incident.

Video footage was obtained from NYCHA during this incident, as well as from the NYPD’s VIPER Unit. The footage shows officers entering the apartment building, but does not include any of the allegations.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Daniel Silverio threatened to damage § 87(2)(b)'s property.

Allegation (B) Abuse of Authority: Detective Daniel Silverio threatened to arrest § 87(2)(b).

Allegation (C) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

Allegation (D) Discourtesy: Detective Daniel Silverio spoke discourteously to § 87(2)(b).

Whether Det. Silverio threatened to break the door, threatened to arrest § 87(2)(b) and spoke discourteously to him, and whether an officer broke the door of § 87(2)(b) § 87(2)(b) remains in dispute.

§ 87(2)(b) stated that when the officers were knocking on the door, they said that they would break in the door and “prosecute” whoever was inside. § 87(2)(b) saw the knob of the door begin to turn while he was inside. When he eventually opened the door, an officer asked why he had not opened the “goddamn door.” When the officers left the apartment, they left dents on the door and it was out of alignment with the door frame.

§ 87(2)(b) his mother, was not present when the officers entered the apartment, but she took pictures of the door on September 30, 2018, four days after the incident and one day before her CCRB interview. These pictures did not show any apparent damage or dents to the door, but was taken at an angle, and did not show the entire door clearly (Board Review 01).

§ 87(2)(b) is a family friend who said that he has known § 87(2)(b) for approximately 20 years. In an unverified phone statement, he stated that when he arrived at the door, Det. Silverio, Det. Heredia, and Det. Ambrosino were present, and the door was closed. The officers were not doing anything aside from standing around. One of the officers asked him if they could go inside. § 87(2)(b) told § 87(2)(b) to open the door. Once § 87(2)(b) opened the door, an officer told § 87(2)(b) that he could have “bust[ed] down” the door and “lock[ed] up” § 87(2)(b) had § 87(2)(b) not opened the door. § 87(2)(b) did not remember if any officer referred to the door as the “goddamn door” at any point (Board Review 02).

Det. Silverio stated that when the officers arrived in the apartment, he was the only officer speaking to § 87(2)(b) from behind the door, and he was the only one knocking on the door. After § 87(2)(b) refused entry, § 87(2)(b) appeared on the scene. § 87(2)(b) told § 87(2)(b) to open the door, and he did. Det. Silverio denied that he told § 87(2)(b) that he would arrest anyone inside, or that he would break the door. He denied that he told anyone to open the “goddamn” door.

Both Det. Heredia and Det. Ambrosino denied that they observed Det. Silverio threatening to arrest anyone in the apartment, or threatening to break the door. Det. Ambrosino and Det. Heredia both stated that at the time that Det. Silverio was entering the apartment, Det. Ambrosino was watching the windows from the ground to ensure that no one escaped the apartment.

Det. Silverio indicated that Sgt. Martin McBride of the Warrant Section took photos of the door of the apartment after a complaint was filed in regards to the incident. These photos were obtained by the investigation. They were not dated, and they did not show any damage done to the door (Board Review 04).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) said that it was possible that Det. Silverio said that § 87(2)(b) should have opened the “goddamn” door, but that he was not entirely sure whether he did. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Detective Daniel Silverio entered

§ 87(2)(b) **in Manhattan.**

Allegation (F) Abuse of Authority: Detective Christopher Heredia entered

§ 87(2)(b) **in Manhattan.**

Allegation (G) Abuse of Authority: Detective John Ambrosino entered

§ 87(2)(b) **in Manhattan.**

Allegation (H) Abuse of Authority: Detective Daniel Silverio searched

§ 87(2)(b) **in Manhattan.**

Allegation (I) Abuse of Authority: Detective Christopher Heredia searched

§ 87(2)(b) **in Manhattan.**

Allegation (J) Abuse of Authority: Detective John Ambrosino searched

§ 87(2)(b) **in Manhattan.**

The circumstances under which Det. Silverio, Det. Heredia, and Det. Ambrosino entered § 87(2)(b) are in dispute.

§ 87(2)(b) who was § 87(2)(b) old at the time of the incident, stated that he opened the door for Det. Silverio, Det. Heredia, and Det. Ambrosino because he believed that they would break the door if he did not. Once he opened the door, § 87(2)(b) told the officers that he did not want to violate his mother’s rules, and open the door. Det. Silverio, Det. Ambrosino, and Det. Heredia walked through the door after he opened it. Det. Silverio searched each room of the apartment, including a pile of items at the foot of his closet.

§ 87(2)(b) testified that when she received the call from § 87(2)(b) she forbade him from opening the door to officers.

§ 87(2)(b) stated that the officers asked him § 87(2)(b) for permission to go into the apartment, and § 87(2)(b) gave them permission to go into the apartment to look for § 87(2)(b) as he knew that § 87(2)(b) was not in the apartment. He also told § 87(2)(b) to open the door to the apartment, but § 87(2)(b) informed him that his mother told him not to. § 87(2)(b) observed § 87(2)(b) open the door within five minutes of his arrival, and saw Det. Silverio searching the apartment (Board Review 05).

Det. Silverio stated that he was the detective assigned to apprehend § 87(2)(b) an individual who violated parole. He was informed by the Parole division that though § 87(2)(b) did not live at this address, she was corresponding with the residents thereof via letter and

package. He did not have any specific information that she would be present in the apartment at the time that he went there.

Before knocking on the door of § 87(2)(b) Det. Silverio knocked on the doors of three apartments on the floor. In each apartment, the residents said that they recognized and had seen § 87(2)(b) present at § 87(2)(b) that week. He was not able to provide the apartment numbers for any doors that he knocked on. When Det. Silverio knocked on the door, § 87(2)(b) told him that he would not let in the officers without permission from his mother. Det. Silverio said that he was at the door for 15 to 20 minutes, and then went into the apartment because § 87(2)(b) said that he could go in and look for § 87(2)(b). Det. Silverio entered the apartment and he and Det. Heredia searched each of the rooms and closets. He did not remember searching any piles at the foot of a closet, but stated that he would have been able to do so, as a person can hide in a closet.

Neither Det. Heredia nor Det. Ambrosino confirmed that Det. Silverio knocked on any doors on the ninth floor of § 87(2)(b) § 87(2)(b) besides that of § 87(2)(b). Det. Heredia stated that § 87(2)(b) answered the door, and told Det. Silverio that he could come inside of the apartment. He did not recall any additional conversation between Det. Silverio and § 87(2)(b).

Det. Ambrosino said that he watched the window of § 87(2)(b) from the ground, next to the building, and came into § 87(2)(b) once Det. Silverio indicated to him that the subject was not inside. He said that he was told afterwards that § 87(2)(b) had allowed officers to go into the apartment. Det. Ambrosino described § 87(2)(b) as being between the ages of 16 and 18. Det. Ambrosino denied searching any of the rooms of the apartment.

Video obtained by the investigation showed Det. Ambrosino entering the apartment building and ascending in the elevator with Det. Silverio and Det. Heredia (Board Review 15).

A copy of the warrant used by the JAWS team was obtained from the Warrant Section. This warrant was issued on July 31, 2018. § 87(2)(b) § 87(2)(b) was listed as an address for § 87(2)(b), an individual § 87(2)(b) provided as her emergency contact (Board Review 06). DD5 entries also listed § 87(2)(b) as an emergency contact, and her address as § 87(2)(b) § 87(2)(b) (Board Review 14).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Officers may request permission to enter and search a residence from individuals who have “apparent authority” to grant officers access. Per People v. Jones 61 Misc. 3d 1201(A) (2018), which reaffirms the principle in People v. Gonzalez, 88 N.Y.2d 289 (1996) an officer may enter and search a residence if the person giving consent has the authority to control access to the premises, and if the consent “freely and voluntarily” given, which can be evaluated by such factors as if the person giving consent was in police custody, the age and prior experience with police officers that the person had, and in the absence of threats (Board Review 07).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Allegation (K) Abuse of Authority: Detective Daniel Silverio questioned § 87(2)(b)

Allegation (L) Discourtesy: Detective Daniel Silverio spoke discourteously to § 87(2)(b)

Whether Det. Silverio asked § 87(2)(b) if he had been stealing from his mother, and whether he said, “I’m just fucking with you,” afterwards is in dispute.

§ 87(2)(b) alleged that when Det. Silverio was searching the apartment, he encountered § 87(2)(b)'s locked bedroom door. He then asked § 87(2)(b) if he was stealing from his mother. When § 87(2)(b) denied stealing from his mother, Det. Silverio said, “I’m just fucking with you.”

When asked, during his unverified phone statement, § 87(2)(b) confirmed that Det. Silverio asked § 87(2)(b) if he had been stealing. He did not remember Det. Silverio saying, “I’m just fucking with you” (Board Review 02).

Det. Silverio, Det. Heredia, and Det. Ambrosino all denied that Det. Silverio asked § 87(2)(b) if he was stealing, and then said, “I’m just fucking with you.”

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- Det. Silverio has been a member of service for 12 years. Eleven complaints, and 27 allegations, have been filed against him.
 - Frisk and stop allegations were substantiated in case 201210095. The CCRB recommended Charges, and Det. Silverio was found guilty in an APU trial. His penalty was not available as of the writing of this report.
 - Case 201900233 is pending panel review.
 - § 87(2)(g) [REDACTED]
- Det. Heredia has been a member of service for 13 years. Six CCRB complaints, with 10 allegations, of which none have been substantiated, have been filed against him
 - § 87(2)(g) [REDACTED]
- Det. Ambrosino has been a member of service for 7 years. Four CCRB complaints, with 10 allegations, have been filed against him, of which none have been substantiated.
 - Case 201906959 is pending panel review.
 - § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this case (Board Review 11).
- As of February 13, 2019, the New York City Office of the Comptroller does not have a record of a Notice of Claim being generated for this incident (Board Review 10).
- § 87(2)(b) [REDACTED]
- According to the Office of Court Administration, § 87(2)(b) [REDACTED] does not have any convictions in New York City (Board Review 13).

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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